

Appl. No. 10/695,283
Docket No. 9086M
Amdt. dated 3/27/08
Reply to Office Action mailed on 12/28/07
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1 and 6-9 are currently under consideration.

Claim 1 has been amended to recite the Kovats Index of the perfume materials/accords. Basis is in Claim 6. Claim 1 also now recites the viscosity range of the dispersion (basis at page 24, line 6) and the use of sodium sulfate to achieve said range (basis also at page 24, line 6). Claim 5 has been amended to correct grammar (“having”). It is submitted that all amendments are fully supported and entry is requested.

Rejection Under 35 USC 102(e)

Claim 1 stands rejected under §102 over US2003/0017125, for reasons of record at page 3 of the Office Action.

Applicants respectfully traverse the rejection on this basis.

Case law and MPEP §2131, previously cited, continue to apply, but will not be repeated herein for the sake of brevity.

Simply stated, ‘7125 does not teach the viscosity/sulfate element of the present invention. Withdrawal of the rejection under §102 is therefore requested.

Rejections Under 35 USC 103

Claims 1 and 6-9 stand rejected under §103 over US2002/0058015A1 in view of US 2003/0017125, for reasons of record at pages 3-5 of the Office Action.

Applicants respectfully traverse the rejections, to the extent they may apply to the claims as now amended.

At the outset, the Examiner’s thorough discussion of the cited documents is acknowledged. This extra effort by the Examiner allows what follows to be relatively brief.

Succinctly stated, it is submitted that the cited combination of documents does not support a *prima facie* conclusion of obviousness under §103.

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Under MPEP 2142, the Examiner bears the burden of factually supporting any *prima facie* conclusion of obviousness. In determining the differences between the cited art and the claims, the question is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. See *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983). If the Examiner does not prove a *prima facie* case of unpatentability, then without more, the Applicant is entitled to the grant of the patent. See *in re Oetiker*, 977 F.2d 1443.

To establish a *prima facie* case of obviousness under 35 USC §103, the cited references must teach or suggest all the claim limitations. See, for example, *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991). Applicants respectfully assert that the Office Action fails to meet this criterion, and thus fails to make a *prima facie* case of obviousness of the amended claims under 35 USC §103.

In particular, the claim limitations with respect to viscosity/sodium sulfate are not suggested by the cited combination of documents. Reconsideration and withdrawal of the rejections under §103 are therefore requested.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

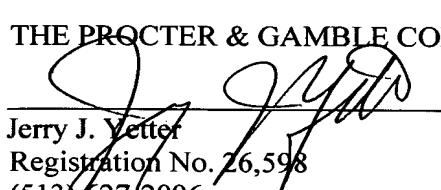
Enclosed is a Supplemental Information Disclosure Statement for consideration by the Examiner. The fee for the submission should be charged to the Assignee's Deposit Account 16-2480. The fee transmittal is enclosed herewith.

In light of the foregoing, early and favorable action in the case is requested.

Respectfully submitted,

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